

PLACED IN MINUTES**JM ROUTE TO MINUTE CLERK**✓ BHP BILLITON
PETROLEUM (N.A.), L.P., ET AL.,

§ NUMBER 587,839-A ✓

Plaintiffs,

§ FIRST JUDICIAL DISTRICT DISTRICT

✓ VERSUS

HOSIER PROPERTIES, L.L.C., ET AL.,

§ CADDO PARISH, LOUISIANA

Defendants.

§ ASSIGNMENT: _____

**MOTION TO SEVER AND SET FOR
SCHEDULING CONFERENCE AND TRIAL**

NOW INTO COURT, through undersigned counsel, come the State of Louisiana, by and through the Louisiana State Mineral and Energy Board (the "State of Louisiana") and Rosa M. Byers ("Byers") (jointly, "Movants"), both Defendants and claimants to the proceeds of production deposited by BHP Billiton Petroleum (N.A.), L.P., et al. ("BHP"), into the Registry of the Court in the captioned concursus proceeding from Tracts 9A, 9B and 9C and with respect represent that:

1.

Movants Rosa M. Byers and the State of Louisiana, along with Defendants the Martin Group and Arkoma, are claimants with respect to the proceeds of production from Tract 9A, all as will more fully appear from the allegations of Paragraph 16 of the "Petition In Concursus" filed by BHP. All of the claimants with respect to Tract 9A have answered the "Petition In Concursus," as is more fully shown by the judicial record.

2.

Movants Rosa M. Byers and the State of Louisiana are the only claimants alleged in the Petition for Concursus to have any interest in the production on Tracts 9B and 9C. Movant Rosa M. Byers and the State of Louisiana have agreed to settle their respective claims with respect to Tracts 9B and 9C.

3.

None of the other defendants named and listed in the "Petition In Concursus" have any

Motion to sever 8 5 19

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interest in the production from Tract 9A under the allegations contained in BHP's "Petition In Concursus." Movant Rosa M. Byers has filed an exception of improper cumulation of actions which the Court should sustain.

4.

Mover Rosa M. Byers has requested BHP, through its counsel of record, to inform her of the amounts it has deposited into the Registry of the Court allocable to Tracts 9A, 9B and 9C, as will more fully appear by reference to a letter dated August 5, 2019, a copy of which is attached hereto and filed herewith as Exhibit "A," but BHP has failed or refused to do so. BHP should be ordered to provide Movers and the Court an accounting with respect to the funds deposited by it into the Registry of the Court for production from Tracts 9A, 9B and 9C.

5.

The dispute with respect to the proceeds of production from Tract 9A should be severed and tried separately by the Court. A separate trial of the issues related to Tract 9A is in the interest of justice and would permit a more orderly disposition of the issues related to Tract 9A.

WHEREFORE, Movants Rosa M. Byers and the State of Louisiana pray that a rule to show cause be issued herein ordering Defendants to show cause why the exception of improper cumulation of actions filed by Mover Rosa M. Byers should be sustained, if any they can, and, accordingly, why Movers' motion to sever should not be granted and that the dispute with respect to the ownership of production from Tract 9A be set for trial separately.

Movers further pray for all orders and decrees necessary or proper in the premises and for full, general and equitable relief.

Respectfully submitted,

THE PESNELL LAW FIRM
(A Professional Law Corporation)

By: Billy R. Pesnell
Billy R. Pesnell
Louisiana State Bar Roll No. 10533
J. Whitney Pesnell

Louisiana State Bar Roll No. 15035

H.C. Beck Building, Suite 1100
400 Travis Street (Zip: 71101)
Post Office Box 1794
Shreveport, Louisiana 71166-1794
Telephone: (318) 226-5577
Telecopy: (318) 226-5578
Email: bill@pesnelllawfirm.com

-- Attorneys for Defendant Rosa M. Byers.

STATE OF LOUISIANA, by and through the
Louisiana State Mineral and Energy Board

By: Ryan M. Seidemann
Ryan M. Seidemann
Louisiana State Bar Roll No. 28991

JEFF LANDRY, ATTORNEY GENERAL
Post Office Box 94005
Baton Rouge, Louisiana 70804-9005
Telephone: (225) 326-6085
Telecopy: (225) 326-6099

-- Attorneys for Defendant State of Louisiana,
through the Office of Mineral Resources.

PLEASE SERVE:

✓ BHP BILLITON PETROLEUM PROPERTIES (N.A), L.P., and
BHP BILLITON PETROLEUM (TxLa Operating) COMPANY,
through their counsel of record,
Jamie D. Rhymes
April Rolen-Ogden
Brittan J. Bush
LISKOW & LEWIS
822 Harding Street (Zip: 70503)
Post Office Box 52008
Lafayette, Louisiana 70505-2008

✓ ARKOMA GROUP,
through its counsel of record,
Frank H. Spruill, Jr.
Weiner, Weiss & Madison
(A Professional Corporation)
333 Texas Street, Suit 2350
Shreveport, Louisiana 71101
(318) 226-9100
(318) 4424-5128 (fax)

✓ JIMMY RAY MARTIN, JR., AMIE M. MARTIN, SHIRLEY H. MARTIN, TLC INVESTMENTS, L.L.C., MARY LUCILLE MARTIN BARNES, ROBERT L. BROWN, CHERYL ANN CROSSLIN THIBODEAU AND DEBORAH LYNN CROSSLIN BAILEY, through their counsel of record,

Mr. Kevin W. Hammond

Kevin W. Hammond

(A Professional Law Corporation)

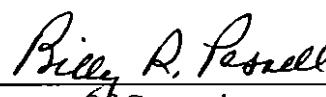
333 Texas Street, Suite 1401

Shreveport, Louisiana 71101

C E R T I F I C A T E

I HEREBY CERTIFY That a true and correct copy of the above and foregoing "Motion To Sever And Set For Scheduling Conference And Trial" has this day been served by placing a copy of same in the United States mail, postage prepaid and properly addressed to all opposing counsel of record and unrepresented parties.

Shreveport, Louisiana, this 14 day of October, 2019.



Of Counsel

| | | |
|------------------------------------|---|----------------------------------|
| BHP BILLITON | § | NUMBER 587,839-A |
| PETROLEUM (N.A.), L.P., ET AL., | § | |
| Plaintiffs, | § | FIRST JUDICIAL DISTRICT DISTRICT |
| VERSUS | § | CADDY PARISH, LOUISIANA |
| HOSIER PROPERTIES, L.L.C., ET AL., | § | |
| Defendants. | § | ASSIGNMENT: _____ |

ORDER

CONSIDERING the foregoing Motion to Sever and Set for Scheduling Conference and Trial,

IT IS ORDERED That Defendants Chesapeake Louisiana, L.P., AND FCX Oil & Gas, Inc., Arkoma Group, ILIOS Exploration, L.L.C., Spring Branch Land & Minerals, L.L.C., Eswick, Inc., Robert E. O'Brien, Jr., Reob, L.L.C., Lee Corcoran Degges, Ellen Degges, Franto, L.L.C., Bobby D. Matthews, Gena L. Matthews, David G. Benscotter, Wendy Benscotter, Miles Minerals, L.L.C., Pamela Jeter Comegys and Riptide Minerals, L.L.C., Pamela Jeter Comegys, Ninock Land Company, L.L.C., Cynthia Fry Peironnet Family, L.L.C., Small Fry, L.L.C., and Eleanor Baughnies De St. Marceaux, Hosier Properties, L.L.C., Jimmy Ray Martin, Jr., Amie M. Martin, Shirley H. Martin, TLC Investments, L.L.C., Mary Lucille Martin Barnes, Robert L. Brown, Cheryl Ann Crosslin Thibodeau and Deborah Lynn Crosslin Bailey show cause, if any they can, on the 13th day of Jan., 2020, at 9:30 o'clock A.M., why The Byers' and the State's Motion to Sever and Set for Scheduling Conference and Trial should not be granted.

IT IS FURTHER ORDERED That Plaintiff BHP Billiton (N.A.), L.P., be ordered to show cause why it should not be ordered to file an accounting with the Court showing the amounts it has deposited into the Registry of the Court for Tracts 9A, 9B and 9C described in the Petition for Concursus.

Shreveport, Caddo Parish, Louisiana, this 17th day of Oct., 2019.

JUDGE

First Judicial District Court
Caddo Parish, Louisiana

IF THIS MATTER WILL NOT BE
HEARD ON THE DATE SET,
NOTIFY JUDGE BY THE PRECEDING
THURSDAY AFTERNOON.

mollym

Rule to Show Cause

BHP BILLITON PETROLEUM PROPERTIES NA LP NO. 587839 – A
ET AL

v.s.
HOSIER PROPERTIES LLC ET AL

STATE OF LOUISIANA
PARISH OF CADDO
FIRST JUDICIAL DISTRICT COURT

TO: JIMMY RAY MARTIN
ET AL THRU KEVIN HAMMOND, COUNSEL
333 TEXAS ST STE 1401
SHREVEPORT, LA
71101

GREETINGS:

YOU ARE HEREBY ORDERED, DIRECTED, AND COMMANDED, in the name of the State of Louisiana and of this Honorable Court, to show cause before this Court on **JANUARY 13, 2020**, at **9:30AM**, why you should not comply with all that is contained in the certified copy of the order which accompanies this RULE AND HEREIN FAIL NOT.

WITNESS the Honorable Judges of our Court on this date October 22, 2019.

OTHER: MOTION TO SEVER AND SET FOR
SCHEDULING CONFERENCE AND
TRIAL

MIKE SPENCE, CLERK OF COURT

By: _____
Deputy Clerk

BILLY PESNELL
Attorney

FILE COPY

Rule to Show Cause

BHP BILLITON PETROLEUM PROPERTIES NA LP NO. 587839 – A
ETAL

v.s.
HOSIER PROPERTIES LLC ETAL

STATE OF LOUISIANA
PARISH OF CADDO
FIRST JUDICIAL DISTRICT COURT

TO: BHP BILLITON PETROLEUM PROPERTIES NA LP ET AL
THRU JAMIE D RHYMES, COUNSEL
822 HARDING ST PO BOX 52008
LAFAYETTE, LA

GREETINGS:

YOU ARE HEREBY ORDERED, DIRECTED, AND COMMANDED, in the name of the State of Louisiana and of this Honorable Court, to show cause before this Court on **JANUARY 13, 2020, at 9:30AM**, why you should not comply with all that is contained in the certified copy of the order which accompanies this RULE AND HEREIN FAIL NOT.

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OTHER: MOTION TO SEVER AND SET FOR
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TRIAL

MIKE SPENCE, CLERK OF COURT

By: _____
Deputy Clerk

BILLY PESNELL

Attorney

FILE COPY

Rule to Show Cause

BHP BILLITON PETROLEUM PROPERTIES NA LP NO. 587839 – A
ETAL

v.s.
HOSIER PROPERTIES LLC ETAL

STATE OF LOUISIANA
PARISH OF CADDO
FIRST JUDICIAL DISTRICT COURT

TO: ARKOMA GROUP
THRU FRANK SPRUIEEL JR, COUNSEL
333 TEXAS ST STE 2350
SHREVEPORT, LA
71101

GREETINGS:

YOU ARE HEREBY ORDERED, DIRECTED, AND COMMANDED, in the name of the State of Louisiana and of this Honorable Court, to show cause before this Court on **JANUARY 13, 2020**, at **9:30AM**, why you should not comply with all that is contained in the certified copy of the order which accompanies this RULE AND HEREIN FAIL NOT.

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OTHER: MOTION TO SEVER AND SET FOR
SCHEDULING CONFERENCE AND
TRIAL

MIKE SPENCE, CLERK OF COURT

By: _____
Deputy Clerk

BILLY PESNELL
Attorney

FILE COPY